IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 8210 of 2006(B)

PETITIONER:

DR.K.SHYLAJA,
ADDITIONAL DIRECTOR OF HEALTH SERVICES,
DIRECTORATE OF HEALTH SERVICES, THIRUVANANTHAPURAM
(ON DEPUTATION TO THE KERALA STATE AIDS CONTROL
SOCIETY AS ADDITIONAL DIRECTOR OF HEALTH SERVICES
(SAPO),NOW REDESIGNATED AS ADDL.PROJECT DIRECTOR).

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

1. STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU,
THIRUVANANTHAPURAM.

4. DR. T.K. KUTTAMONY,
DIRECTOR OF HEALTH SERVICES,
DIRECTOR OF HEALTH SERVICES,
GENERAL HOSPITAL JUNCTION,
THIRUVANANTHAPURAM.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE G.O. (RT) NO. 3803/2000/H&FWD DATED 06.11.2000.

EXT.P2: TRUE COPY OF THE G.O.(RT) NO. 375/2004/VIG. DATED 31.12.2004.

EXT.P3: TRUE COPY OF THE F.I.R. IN CRIME NO. 8/2004 OF VACB SIU DATED 29.06.2004.

EXT.P4: TRUE COPY OF THE ORDER S.O.NO. G 11127/2002/DMS DATED 28.09.2002 THUS ISSUED BY THE PETITIONER.

EXT.P5: TRUE COPY OF THE G.O(RT)NO.171/05/VIG. DATED 14.06.2005.

EXT.P6: TRUE COPY OF THE G.O(RT)NO.1904/2005/H&FWD DATED 01.07.2005.

EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 20.01.2005 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P8: TRUE OCPY OF THE G.O(RT)NO.1438/2002/H&FWD DATED 06.09.2002.

EXT.P9: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 02.01.2006 BEFORE THE HON'BLE CHIEF MINISTER OF KERALA ALONG WITH A FORWARDING LETTER, EXCLUDING THE ANNEXURES.

EXT.P10: TRUE COPY OF THE REPRESENTATION DATED 24.05.2007 FILED BY THE PETITIONER BEFORE THE PRIVATE SECRETARY TO THE HON'BLE CHIEF MINISTER.

EXT.P11: TRUE COPY OF THE G.O.(RT) NO. 1930/07/H&FWD DATED 01.06.2007.

EXT.P12: TRUE OCPY OF THE PROFORMANCE APPRISAL REPORT MADE BY THE SPECIAL SECRETARY TO HEALTH AND FAMILY WELFARE IN RLATION TO THE SERVICE OF THE PETITIONER FOR THE PERIOD FROM 01.01.2005 TO 31.12.2005.

EXT.P13: TRUE COPY OF THE PERFORMANCE APPRISAL REPORT MADE BY THE SPECIAL SECRETARY TO HEALTH AND FAMILY WELFARE IN RELATION TO THE SERVICE OF THE PETITIONER FOR THE PERIOD FROM 01.01.2006 TO 31.12.2006.

EXT.P14: TRUE COPY OF THE RELEVANT EXTRACT OF KERALA GAZETTE EXTRA ORDINARY DATED 07.11.2000 CONTAINING NOTIFICATION NO.38349/DPC-1/2000/H&FWD DATED 03.11.2000 ISSUED BY THE 3RD RESPONDENT.

/True Copy/

P.A to Judge.

V. GIRI , J

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W.P.(C) NO. 8210 OF 2006

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Dated this the 18th day of September, 2007.

JUDGMENT

The petitioner is aspirant for promotion to the post of Director of Health Services. She complains that she has not been considered by the DPC because of the pendency of the vigilance case VC 8/04/SIU. Mr.Nandakumar, learned Senior Government Pleader on instructions submits that yet another three months will be required to complete the vigilance investigation. The submission is recorded.

The writ petition is disposed of directing the 3rd respondent to complete the vigilance investigation arising out of VC 8/04/SIU referred to in Ext.P2, within a period of three months from the date of receipt of a copy of this judgment. The other contentions raised by the petitioner as regards the eligibility for promotion as also the contentions regarding regularisation of promotion are left open.

V. GIRI, JUDGE.

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